

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 354

Introduced by Senator Escutia

February 16, 2005

An act to add Section 57015 to the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 354, as amended, Escutia. Hazardous substances: brownfields task force.

Under existing law, the Site Designation Committee in the California Environmental Protection Agency is authorized to designate an administering agency for oversight of a remedial action to a hazardous substance release. Existing law requires the administering agency to supervise the site investigation and remedial action conducted by the responsible party and, upon determining that the site investigation and remedial action has been satisfactorily completed, to issue a certificate of completion to the responsible party.

This bill would require the Governor to appoint a Task Force on the Coordination of Site Cleanup Programs, which would be composed of specified persons with substantial experience with the actual redevelopment of brownfields properties from the public, private, and nonprofit sectors.

The bill would require the task force to provide information to the agency on implementing administrative improvements to the state's site cleanup oversight programs, and to make recommendations on how to best coordinate site cleanup oversight responsibilities within the agency.

The bill would require the agency to convene a meeting of the task force on or before September 15, 2006, and would require the task force to submit recommendations to the Legislature and the agency on or before July 1, 2007. The bill would prohibit the agency from consolidating the site cleanup programs of the Department of Toxic Substances Control and the California regional water quality control boards until at least 90 days after the agency receives the task force's recommendations.

The bill would require these provisions to be implemented through existing state resources, would require the agency to provide staff support to the task force, *up to a specified amount*, and would allow the agency to apply for, accept, and spend any grants and gifts from any source, public or private, to implement the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 57015 is added to the Health and Safety
2 Code, to read:
3 57015. (a) The Legislature finds and declares all of the
4 following:
5 (1) Real property contaminated with hazardous substances is a
6 continuing blight on communities and the cleanup and
7 development of these sites will lead to productive end uses,
8 including job creation, new housing, and an increased
9 community tax base.
10 (2) The patchwork regulatory framework for site cleanup in
11 California has created over 100 local, regional, and state agencies
12 that may serve as the regulatory agency responsible for
13 overseeing environmental cleanup. California's framework of
14 multiple agencies with overlapping jurisdictions has led to
15 confusing and costly delays in the redevelopment of blighted or
16 contaminated real properties.
17 (3) The Governor's California Performance Review
18 recognized that "this fragmentation of responsibility and
19 overlapping and duplicative authority is not without costs—to the
20 public and to the state," and recommended that "the Governor
21 should work with the Legislature to consolidate cleanup
22 functions."

1 (4) The California Environmental Protection Agency should
2 determine the most efficient and effective method for
3 coordinating site cleanup oversight activity between the current
4 programs.

5 (b) For purposes of this section, the following definitions shall
6 apply:

7 (1) “Agency” means the California Environmental Protection
8 Agency.

9 (2) “Task force” means the Task Force on the Coordination of
10 Site Cleanup Programs established by the Governor pursuant to
11 subdivision (c).

12 (c) The Governor shall appoint a Task Force on the
13 Coordination of Site Cleanup Programs, which shall be
14 composed of stakeholders with substantial experience with the
15 actual redevelopment of brownfield properties from the public,
16 private, and nonprofit sectors. The task force shall include, but
17 not be limited to, a representative of one of, or a person who is
18 one of, each of the following:

19 (1) A redevelopment agency or municipality.

20 (2) A private developer.

21 (3) A nonprofit developer.

22 (4) An environmental regulatory agency.

23 (5) An environmental land use attorney.

24 (6) An environmental engineer or scientist.

25 (7) A nonprofit organization specializing in brownfield funding
26 and technical assistance.

27 (d) The task force shall provide information to the agency on
28 implementing administrative improvements to the state’s site
29 cleanup oversight programs, and shall make recommendations,
30 based on the information analyzed pursuant to subdivision (g), on
31 how to best coordinate site cleanup oversight responsibilities
32 within the agency.

33 (e) (1) The agency shall convene a meeting of the task force
34 on or before September 15, 2006, and the task force shall submit
35 its recommendations to the Legislature and the agency in the
36 form of a written report on or before July 1, 2007.

37 (2) A majority of the task force shall constitute a quorum for
38 the transaction of business.

39 (3) The task force shall be headed by a chairperson, selected
40 by the task force from among its members.

(f) The agency shall not consolidate the site cleanup programs of the Department of Toxic Substances Control and the California regional water quality control boards until at least 90 days after the agency receives the task force's recommendations pursuant to subdivision (e).

(g) In making recommendations on the coordination of site cleanup oversight responsibilities within the agency, the task force shall consider all of the following for each site cleanup oversight program within the agency:

- (1) Consistency of cleanup standards and oversight process.
- (2) Capacity and expertise of staff.
- (3) Appropriateness of level of effort.
- (4) Employment of institutional and engineering controls.
- (5) Public notification and participation process.
- (6) Frequency and nature of the conditions under which a completed removal and remedial action at a site may be subject to further administrative action.
- (7) Length of time required to reach "cleanup complete" determinations.
- (8) Total agency oversight costs.
- (9) Appeals process.
- (10) Compliance monitoring and enforcement.

(h) (1) The task force may consult with additional persons, advisory entities, and governmental agencies, as the task force determines necessary.

(2) The requirements of this section shall be implemented only through existing state resources. A member of the task force shall not receive any compensation related to the member's service on the task force that is in addition to any compensation that the member receives from any other public or private source.

(3) The agency shall provide staff support to the task force, ~~and, notwithstanding paragraph (2), may apply for, accept, and the expenditure for which shall not exceed more than one hundred forty thousand dollars (\$140,000) in the first year in which the task force implements this section.~~

(h) The task force may apply for, accept, and spend, any grants and gifts from any source, public or private, to implement this section.

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